

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

2010 Oct-25 AM 11:33  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

MICHAEL ALLUMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CV-10-RRA-0531-S
CITY OF BIRMINGHAM,	)	
et al.,	)	
	)	
Defendants.	)	

Memorandum Opinion

This case comes before the court on the Report and Recommendation from Magistrate Judge on Adam Swan's partial motion to dismiss filed on April 7, 2010 (doc. 6), and the United States' motion to dismiss filed on April 26, 2010 (doc. 7). Despite the entering of a briefing schedule by the court, the Plaintiff filed no responses to the motions to dismiss. On June 22, 2010, the magistrate issued a report and recommendation and recommended that, as against defendant Swan, all claims in count one, except those based on the Fourth Amendment excessive force claim, be dismissed, with prejudice. Further, as to Swan, the magistrate recommended that counts two, four, and six should be dismissed in their entirety. Lastly, he recommended that all counts against the United States be dismissed, without prejudice. No party has objected to the report and recommendation.

Having carefully reviewed and considered *de novo* all the pertinent materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. An appropriate order will be entered.

DONE this the 25th day of October, 2010.

  
KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE